

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL MINUTES

Date: January 31, 2008

JUDGE: Phyllis J. Hamilton

Case No: C-07-5437 PJH

Case Name: Pamela Thompson v. Conseco Senior Health Insurance Company

Attorney(s) for Plaintiff: Michael Guta

Attorney(s) for Defendant: Mark Wodin

Deputy Clerk: Nichole Heuerman

Court Reporter: Not Reported

PROCEEDINGS

Initial Case Management Conference-Held. Defense counsel informs that court that he intends to file an additional motion to dismiss the first amended complaint. The court informs the parties that the motion will most likely be decided on the papers but should still be noticed for hearing on a 35 day briefing schedule. The court sets a pretrial schedule.

REFERRALS:

[x] Case referred to ADR for Mediation to be completed within 120 days. ✓

PRETRIAL SCHEDULE:

- ✓ Non Expert Discovery cutoff: 9/10/08
- ✓ Expert disclosure: 11/12/08
- ✓ Expert discovery cutoff: 12/31/08
- ✓ Motions heard by: 11/5/08
- ✓ Pretrial Conference: 3/5/09
- ✓ Trial: 3/30/09 at 8:30 a.m., for 6 days, by [x] Jury ☐ Court

Order to be prepared by: ☐ PI ☐ Def [x] Court

Notes:

cc: file; ADR

EXHIBIT 2

UNITED STATES DISTRICT COURT

Northern District of California

Thompson,

Plaintiff(s),

v.

Conseco Senior Health Insurance
Company,

Defendant(s).

07-05437 PJH MED

Notice of Appointment of Mediator

TO COUNSEL OF RECORD:

The court notifies the parties and counsel that the Mediator assigned to this case is:

John Koeppe
Ropers, Majeski, Kohn & Bentley
201 Spear St., Suite 1000
San Francisco, CA 94105
415-543-4800


Counsel shall familiarize themselves with the requirements of ADR L.R. 6 which governs the Mediation program. The mediator will schedule a joint phone conference with counsel under ADR L.R. 6-6 and will set the date of the mediation session within the deadlines set by ADR L.R. 6-4 or the court order referring this action to mediation. The court permits the mediator to charge each party its pro rata share of the cost of the phone conference.

Notice of Appointment of Mediator
07-05437 PJH MED

Counsel are reminded that the written mediation statements required by the ADR
L.R. 6-7 shall NOT be filed with the court.

Dated: February 14, 2008

RICHARD W. WIEKING
Clerk
by: Alice M. Fiel



ADR Case Administrator
415-522-3148
Alice_Fiel@cand.uscourts.gov

EXHIBIT 3

Thesen

1. Def. will pay Pl & her
advs \$17,500.00
2. Pl will dismiss the entire
action with prejudice
3. Pl & her attys will execute a
release & settlement agreement
provided by def. which will
include a provision for confidentiality

Michael D. Tate
Pl's Atty.
Tamara Thompson

Stephen M. [Signature]
Defendant
ASSOC.
COUN.
Counsel.

[Signature]

attys for def.

11. There will be no further
proceedings made when the Pl & def.

12. The settlement is enforceable
pursuant to CCP 664.6.

EXHIBIT 4

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco

UNITED STATES DISTRICT COURT
Northern District Of California

PAMELA THOMPSON,

Plaintiffs,

v.

CONSECO SENIOR HEALTH
INSURANCE COMPANY,

Defendant(s).

No. C07-054347 PJH

Certification of ADR Session

Instructions: The neutral shall submit this Certification to the ADR unit within 10 days after completing an ADR Session. The ADR unit will file-stamp the Certification and place it in the court file.

1. I hereby certify that the parties in this matter held a ☒ Mediation or ☐ ENE session on (date) May 29, 2008

2. Did the case settle? ☒ fully ☐ partially ☐ no

3. If the case did not settle fully, is any follow-up contemplated?

☐ another session scheduled for (date) _____

☐ phone discussions expected by (date) _____

☐ no

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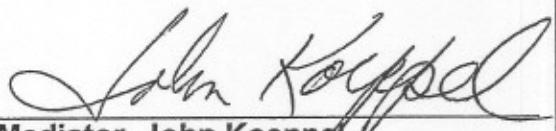
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4. IS THIS ADR PROCESS COMPLETED?

☒ YES

☐ NO

Dated: 5/30/2008


Mediator, John Koeppe
Ropers, Majeski, Kohn & Bentley
201 Spear Street, Suite 1000
San Francisco, CA 94105

Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco

EXHIBIT 5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAMELA THOMPSON,

Plaintiff(s),

No. C 07-5437 PJH

v.

ORDER OF DISMISSAL

CONSECO SENIOR HEALTH INS CO,

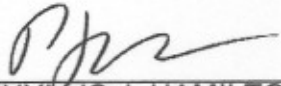
Defendant(s).

An ADR certification having been filed noting the settlement of this matter and counsel for the parties, having advised the court that they agreed to a conditional dismissal, IT IS HEREBY ORDERED that this cause of action is dismissed **without** prejudice; provided, however that if any party hereto shall certify to this court, within sixty (60) days, with proof of service thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial.

The parties may substitute a dismissal **with** prejudice simply by submitting a stipulation and order for dismissal with prejudice within sixty (60) days.

SO ORDERED.

Dated: June 5, 2008



PHYLLIS J. HAMILTON
United States District Judge